J-E 318-92

G. R. S. IX-5]

Previous references.

1892-3

~~191~~ .

File No. 18-1892-

Serial Nos. 1-2

(Ch.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

In ~~Part~~ B for Apl 1893

SUBJECT.

Memorial of Mara sentenced to Transportation for life to H.H. the Maharaja of Mysore.

W D 88—GPB—50,000—24-7-16

Indexed

Countermarked

I

(2)

Memorial of Maza.

Submitted for orders — H.L. 22/3/93

The memorialist has been Convicted of Murder and Sentenced to Transportation for life.

It is very clearly proved that he killed his wife.

There is nothing clearly to prove the motive for the Crime. It may be taken as proved that the husband & wife ~~were~~ did not lead a happy life, and that they had occasional quarrels. It may also be inferred that the husband suspected his wife's chastity. But it is clear that the act of killing was not done under "Grave and Sudden provocation," such as would ~~extenuate~~ make it a lesser offence than murder.

The nature of the injuries inflicted clearly show that he intended to Cause death and his offence therefore amounts to

From order book. 26/3/93. H.L.

Sir

I am copy of the order duly signed by the Dewan Bahadur Submitted.

26/3/93. Recd 29th Sd H.L. Secretary 29/3

murder.

He was apparently at the time
in a condition of melancholy
for he tried to cut his
own throat after killing his
wife.

All this may justify the non-infliction
~~the issue~~ of the death Sentence, which has not been passed,
but does not ~~don't think~~ go to establish
that he deserves any mitigation
of the lesser Sentence of
Transportation for life, which alone
has been inflicted upon him by the S. Judge
and Confirmed by the Chief Ct upon appeal.

Sh^d your Highness ~~think~~ decide not to interfere
~~no interference~~ I submit
a Draft for approval, herewith —

K Sheshadri Iyer

22/3/93

In the Matter of a Memorial

addressed to His Highness the Maharaja by Mara Prisoner in Sessions Case No. 7 of 1892, on the file of the Sessions Judge Nagar Division - Criminal Appeal No 170 of 1892 on the file of the Chief Court of Mysore —

His Highness the Maharaja

has been pleased to pass the following

Order.

There are no grounds for any interference with the Sentence of Transportation for life which has been passed upon the Memorialist Mara, whose memorial is hereby rejected.

Mysore March 1893 —

25/3/93

P

(General Serial No. 29.)

1893 10199

From The Chief Judge of Mysore (1)

To The ~~Secretary to the~~ Dewan of Mysore.

Dated 9th March 93

Despatched 10" "

Received

Enclosures No. three - records sent separately

General No. 1069 } 188 —8.
No. 29

Forwards the accompanying Memorial to His Highness the Maha Rajah of Mysore by Maca, accused, in Chitaldroog Sessions case No. 7 of 1892, undergoing sentence of transportation for life -

Jhol. Mysore
10/3/93

Subd with the usual memo for orders of the Dewan
11/3/93 C

Section ch
Title No 18-1892
Serial No 1

No. 1069 In: three
29 records sent separately

Bangalore 9th March 1893.

From,

(1)

S. R. A. Thumboo Chetty Esquire,
Chief Judge of Mysore.

To,

Sir K. Seshadri Iyer K. C. S. I.
Dewan of Mysore.

Sir,

I have the honor to forward the accompanying memorial in Canarese with a translation thereof in English, addressed to His Highness the Maha Rajah of Mysore, by Mark, accused in Chitaldroog Sessions Case No: 7 of 1892 and appellant in Criminal Appeal No: 170 of 1892 on the file of the Chief Court of Mysore, undergoing sentence of transportation for life.

The Judgment of this Court in appeal and the records of the case are herewith forwarded.

I have the honorable,
Sir,
Your most Obedient Servant,

S. R. A. Thumboo Chetty
Chief Judge.

ZRK.

(1/a)

To

His Highness the Maharaja
of Mysore

The humble memorial of Chara
prisoner undergoing Sentence of
Transportation for life in the
Bangalore Central Jail.

Dated 25th February 1893.

In Chitaldrug Sessions case No.
of 1892 the Memorialist was sentenced
to transportation for life unjustly
by the Sessions Judge - Against the
sentence the Memorialist preferred
an appeal to the Chief Court which
in Criminal Appeal No. 170 of 1892 up
held the Sentence passed on him
by the Sessions Judge.

Hence the Memorialist appeals
to His Highness -

The Memorialist did not

Commit the murder. Kangarwa the
Memorialists mother-in-law was
kept by one Kabbigar Subba and
Ergi the Memorialists wife was
kept by one Kabbigar Timmadasa.
When the Memorialist and his
wife were asleep the above
said Timmadasa & Subba came
& beat the Memorialist and his
throat and then killed his wife.
They then charged the Memorialist
with killing his wife and had
him sentenced to transportation
for life.

The Memorialist most
humbly prays that His Highness
may be pleased to peruse the
Judgment of the Lower Court and
Command his release.

Mark

5

Mark of Mara.

Opinion of the Sessions Judge

I have no opinion to offer on this case. The Memorialist was tried for murder by Mr. Cress, who found him guilty and sentenced him to transportation for life. The Memorialist thereupon appealed to the Chief Court by which Court also the Conviction & Sentence were upheld.

Shimoga
3rd March 1873.

Assistant to the
Sessions Judge
Nagar Division

Sd

(1/6)

ನಿಂತಿರುವ ಮರಗಳನ್ನು ಕಡಿಯಲು ಅಥವಾ ಬೆಳೆಯಲು ಅಥವಾ

~~Ap 118 Dec 1892~~ 8

In the Chief Court of Mysore at Bangalore.
Monday the 19th day of December 1892.

1/C

Present

A. Ramachandra Iyar Esq, Offg: Chief Judge.
and
C. Menacshaya Esq: Offg: Judge.

Petition of Criminal appeal No. 170 of 1892, against the conviction and sentence by the Sessions Judge of Nagar, under Section 302 of the Indian Penal Code, in Chitaldroog Sessions Case No. 7 of 1892.

Appellant
Mara
(Prisoner)

Judgement.

We are of opinion that the prisoner has been rightly convicted of murder, as the evidence of the Prosecution witnesses and the statements made by him leave no doubt on the point. The imputation of unchastity seems to have

have been an after-thought, and there is absolutely no evidence from which we can infer that the prisoner had any provocation at all for committing the foul deed.

We confirm the sentence and dismiss the appeal.

A true copy

Ag: Registrar.

Copy applied for through Superintendent, Shimoga Jail — — — — — — — — 4. 2. 93

Copy ready — — — — — — — — 9. 2. 93

Copy despatched — — — — — 10 - 2 - 93

Ag: Registrar

ZM.

Urgent

To

16993

J. 947.

(4)

Section Etc.
No 18 92
Serial No 2

The Registrar of the
Chief Court of Mysore.

Sir,

I am directed to
forward herewith for
the information of the
Judges of the Chief Court
and for communication
to Hara a prisoner in
sessions case No: 7 of 1892
on the file of the Sessions
Judge Nagar Div:, cri=
minal appeal No: 170
of 1892 on the file of the
Chief Court, copy of order
passed by His Highness
the Maharajah in the
matter

matter of the prisoner's
memorial

2 The records of the case received
with the Chief Judge's
letter No: 1069/29 dated the
9th March 1893 are
herewith returned

J

I have &c

15/4

Chief Secretary

30.3.93

Proceedings
have
delayed